

# Minutes

Standard Forms Committee Meeting  
Wednesday, February 10, 2021  
9:30 a.m. – 11:30 a.m., 12:15 p.m. – 3:30 p.m.  
Via Zoom



The Standard Forms Committee ("SFC") meeting for the Hawaii Association of REALTORS® was held on Wednesday, February 10, 2021 via Zoom. The meeting was called to order at 9:33 a.m. by Chair Dusty Woodstock.

Chair: Dusty Woodstock, Vice Chair Jeannie Wenger; Sharon Brown, John Connelley, Carol Cummings, Beth Worrall Daily, Patti Ichida, Phoebe Nikolakakis, Anthony Pace, Roberta Charles, Gary Apperson, Ayako Ancheta, Patrick O'Neill. Leadership Liaison: Kalama Kim; YPN Liaison, Olivia Schubert. Staff: Ethel Keyes; Nancy Donahue-Jones, Wendy Brown: Legal Counsel: Shimpei Oki. Guests: Kelly Liberatore.

**The minutes of January 21, 2021 was accepted with the following correction:** Correction of tense for "continuing" on page 2, #2, second paragraph; it should be "will continue to do further research".

1. The SFC members took a few minutes to check the internet for inappropriate usage of copyrighted forms. The following websites were found;

- ASAPcashhomebuyers.com
- Signnow.com
- Wikidownload.com
- Pinterest

2. Chair, Dusty Woodstock informed the committee that the SFC Charter will be reviewed annually and submitted to the HAR BOD if any revisions are recommended. The committee members were asked to bring up any revisions in the March meeting.

Chair, Dusty Woodstock and Ethel Keyes informed the SFC that HAR is actively tracking and taking a position on over 100 bills. There are approximately 20 bills that could affect HAR forms. Ethel will forward the Bill Tracker to the SFC which includes links to testimony and HAR's position.

1. 2021 Forms Review Schedule

Chair Dusty Woodstock reviewed the revision schedule with the SFC. Subcommittee chairs noted which forms should be revised. The following 7 forms were identified to be on the March 25 SFC agenda.

- Blank Addendum
- Blank Amendment
- Designated Agency Addendum
- Agreement of Sale Addendum (RR203)
- Plain Language Addendum (RR206)
- 1031 Exchange Addendum
- Back Up Offer Addendum

2. RR109 – Seller's Real Property Disclosure Statement

The SFC discussed the Purpose of Disclosure Statement section on the SRPDS. On the recommendation of Legal Counsel, it was best to clarify the vacant land disclosure section. (noted below)

*Pursuant to Hawaii Revised Statutes, Chapter 508D (for residential real property), a seller of residential real property is obligated to fully and accurately disclose in writing to a buyer all "material facts" concerning the property. For all other real estate transactions, including the sale of vacant land, sellers are also advised to uphold any common law duty to disclose all material facts necessary to prevent misleading representations.*

In addition, Legal Counsel recommended that if the statute is quoted, exact language needs to be mirrored from the HRS. Changes were made to reflect the recommendation. (noted

## CALL TO ORDER

## ATTENDEES

## MINUTES

## UPDATE / ISSUES OF CONCERN

## LEGISLATIVE BILLS

## UNFINISHED BUSINESS

below)

*“(1) An occupant of the residential real property was afflicted with acquired immune deficiency syndrome (AIDS) or AIDS related complex, or had been tested for human immunodeficiency virus; or (2) The residential real property was the site of an act or occurrence that had no effect on the physical structure or the physical environment of the residential real property, or the improvements located on the residential real property”.*

**A motion was adopted that the SFC accept the new language of the Purpose of Disclosure Statement as amended.**

**A motion was adopted to approve revisions made to the Seller’s Real Property Disclosure Statement and to forward this form to the Board of Directors for approval.**

3. Dual Agency Disclosure and Consent

The SFC discussed the background behind the changes to the Dual Agency Consent Addendum as well as the change of the form name to Dual Agency Disclosure and Consent.

The SFC discussed comments from membership, made further revisions and finalized the draft.

**A motion was adopted to approve revisions made the Dual Agency Disclosure and Consent and to forward this form to the Board of Directors for approval.**

Discussion was held regarding the creation of a Buyer Buyer/Seller Seller Dual Agency form.

**A motion was adopted that the SFC recommends to the Board of Directors not to proceed with a separate Buyer Buyer/Seller Seller Dual Agency form since it is adequately address in the Dual Agency and Consent form.**

4. Service/Support Animal Addendum

The SFC discussed and reviewed comments from membership. Further revisions were made.

**A motion was adopted to approve revisions made to the Service/Support Animal Addendum and to forward this form to the Board of Directors for approval.**

5. Research on Sight Unseen Addendum

Committee members will gather additional information as well as submit any Sight Unseen Addendum that their brokerage firm currently uses and will submit them to Ethel Keyes. Information gathered will be reviewed at a later date.

1. Review revisions to the Rental Agreement

The SFC discussed and reviewed changes to the Rental Agreement.

**A motion was adopted to approve revisions made to the Rental Agreement and to forward the draft to the membership for comments.**

The next meeting of the SFC is scheduled for Thursday, March 25, 2021 via Zoom

There being no further business, the meeting was adjourned at 2:33 p.m.

Wendy Brown  
Senior Administrative Assistant

**NEW BUSINESS**

**DATE OF NEXT MEETING**

**ADJOURNMENT**